

Art Unit: 1794

Detailed Action

1. Applicant's response to the decision of the Board of Patent Appeals and Interferences filed 06/19/08 has not been entered. The response raises issues under 112, second paragraph, at least with respect to dependent claims 8 and 30. Each of claims 8 and 30 recite that the refractive index of the layer comprising silicon nitride is from 1.85 to 2.0, which is inconsistent with the limitation recited in the claims from which they depend, viz., "at least 2.10."

Additionally, claim 30 recites that the layer "may or may not be Si-rich," whereas claim 23, from which claim 30 depends, recites that the layer is Si-rich.

2. Applicant is given a ONE MONTH TIME PERIOD from the mailing date of this letter to cancel claims 8 and 30 and thereby avoid ABANDONMENT of the application. NO EXTENSIONS OF TIME UNDER 37 CFR 1.136(a) WILL BE GRANTED. Prosecution is otherwise closed.

Information Disclosure Statement

3. The information disclosure statement filed 06/19/08 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). See MPEP 609. It has been placed in the application file, but the information referred to therein has not been considered. If applicant wishes to have this information considered, the Examiner suggests filing a Request for Continued Examination.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY M. SPEER whose telephone number is (571)272-8385. The examiner can normally be reached on M-F.

Art Unit: 1794

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keith D. Hendricks can be reached on 571-272-1401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy M. Speer/
Primary Examiner
Art Unit 1794